

AMENDED IN ASSEMBLY APRIL 28, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 27, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2623

Introduced by Assembly Member Pan
(Coauthor: Assembly Member Lowenthal)

February 21, 2014

An act to amend Section 13515 of, and to add Section 368.7 to, the Penal Code, relating to ~~elder abuse~~ *peace officers*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2623, as amended, Pan. Elder *and dependent adult abuse training*.

Existing law requires every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties to complete an elder and dependent adult abuse training course certified by the Commission on Peace Officer Standards and Training within 18 months of assignment to field duties. Existing law specifies certain subjects to be covered by the training. *Existing law also requires the commission to consult with the Bureau of Medi-Cal Fraud and Elder Abuse and other subject matter experts when producing new or updated training materials.*

This bill would add to that list of subjects the legal rights and remedies available to victims of elder *or dependent adult* abuse and the verification and enforcement of protective orders. *The bill would also require the commission to additionally consult with local adult protective services offices and with the Office of the State Long-Term Care Ombudsman when producing new or updated training materials.*

The bill would require every law enforcement officer ~~below the rank of supervisor who is assigned to patrol duties and~~ *who* would ordinarily respond to elder *or dependent adult* abuse reports or incidents of domestic violence to complete an updated course of instruction on elder abuse every 2 years. The bill would require local law enforcement agencies to provide their peace officers who respond to elder *and dependent adult* abuse complaints with a card containing specified information relating to elder *and dependent adult* abuse, including, among other things, a telephone number for the local adult protective services agency and the telephone number for the local long-term care ombudsman.

By imposing additional requirements on local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 368.7 is added to the Penal Code, to read:
2 368.7. Local law enforcement agencies shall provide to all
3 peace officers who would ordinarily respond to reports or incidents
4 of elder *or dependent adult* abuse a “Victims of Elder *or Dependent*
5 *Adult Abuse*” card that summarizes the training received pursuant
6 to subdivision (a) *and (d)* of Section 13515 and contains the
7 definition of ~~elder~~ *abuse of an elder or dependent adult* pursuant
8 to Section 15610.07 of the Welfare and Institutions Code. The
9 card shall also list the telephone number for the local adult
10 protective services agency, the telephone number for the local
11 long-term care ombudsman, and, where available, a telephone
12 number for other services, public and private, that provide help to
13 ~~elders~~ *elder and dependent adults*. The card shall also contain a
14 statement to inform the victim of his or her right, pursuant to
15 Section 15657.03 of the Welfare and Institutions Code, to petition

1 the court for an emergency protective order and an order directing
2 the attacker to leave the household or a temporary restraining order.

3 SEC. 2. Section 13515 of the Penal Code is amended to read:

4 13515. (a) Every city police officer or deputy sheriff at a
5 supervisory level and below who is assigned field or investigative
6 duties shall complete an elder and dependent adult abuse training
7 course certified by the Commission on Peace Officer Standards
8 and Training within 18 months of assignment to field duties.
9 Completion of the course may be satisfied by telecourse, video
10 training tape, or other instruction. The training shall, at a minimum,
11 include all of the following subjects:

- 12 (1) Relevant laws.
- 13 (2) Recognition of elder and dependent adult abuse.
- 14 (3) Reporting requirements and procedures.
- 15 (4) Neglect of elders and dependent adults.
- 16 (5) Fraud of elders and dependent adults.
- 17 (6) Physical abuse of elders and dependent adults.
- 18 (7) Psychological abuse of elders and dependent adults.
- 19 (8) The role of the local adult protective services and public
20 guardian offices.

21 (9) The legal rights of, and remedies available to, victims of
22 elder or dependent adult abuse pursuant to Section 15657.03 of
23 the Welfare and Institutions Code, including emergency protective
24 orders and the option to request a simultaneous move-out order,
25 and temporary restraining orders.

26 (10) Verification and enforcement of protective orders when
27 the suspect is present or has fled.

28 (b) When producing new or updated training materials pursuant
29 to this section, the commission shall consult with the Bureau of
30 Medi-Cal Fraud and Elder Abuse, *local adult protective services*
31 *offices, the Office of the State Long-Term Care Ombudsman*, and
32 other subject matter experts. Any new or updated training materials
33 shall address all of the following:

34 (1) The jurisdiction and responsibility of law enforcement
35 agencies pursuant to Section 368.5.

36 (2) The fact that the protected classes of “dependent person” as
37 defined in Section 288 and “dependent adult” as defined in Section
38 368 include many persons with disabilities, regardless of the fact
39 that most of those persons live independently.

40 (3) Other relevant information and laws.

1 (c) The commission also may inform the law enforcement
2 agencies of other relevant training materials.

3 (d) Every law enforcement officer ~~below the rank of supervisor~~
4 ~~who is assigned to patrol duties and~~ *who* would ordinarily respond
5 to elder *and dependent adult* abuse reports or incidents of domestic
6 violence shall complete an updated course of instruction on elder
7 *and dependent adult* abuse every two years. The course shall be
8 developed according to the standards and guidelines developed
9 pursuant to subdivisions (a) and (b).

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.